

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

QUONTERIOUS TOLES,

Plaintiff,

v.

Lt. NEWSOME, *et al.*,

Defendants.

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Case No. 7:24-cv-00021-WLS-TQL

ORDER

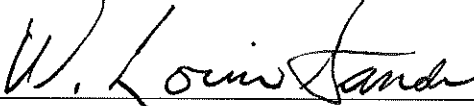
Pro se Plaintiff Quonterious Toles, a prisoner confined at Valdosta State Prison in Valdosta, Georgia, filed a 42 U.S.C. § 1983 complaint. ECF No. 1. On July 19, 2024, Plaintiff was ordered to recast his complaint and provided instructions on how to do so. ECF No. 15. Plaintiff was given fourteen (14) days to respond and was informed that failure to comply could result in dismissal of this action. *Id.* Plaintiff failed to respond.

Therefore, on August 14, 2024, the Court notified Plaintiff that he failed to respond to an order of the Court. ECF No. 16. Plaintiff was ordered to show cause why this action should not be dismissed for failure to comply with the Court's order. *Id.* The Court unambiguously informed Plaintiff that this action could be dismissed if he failed to respond to the order to show cause or otherwise file his amended complaint. *Id.* Plaintiff was given fourteen (14) days to respond. Plaintiff has again failed to respond to a Court order.

Because Plaintiff has failed to comply with the Court's orders or otherwise prosecute his case, this complaint is **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R.

Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)); *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018) (holding that the district court did not abuse its discretion in *sua sponte* dismissing without prejudice prisoner's *pro se* § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint).

SO ORDERED, this 7th day of October 2024.



W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT